

SCOTT N. SCHOOLS (SCBN 9990)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

WENDY THOMAS (NYBN 4315420)
Special Assistant United States Attorney

450 Golden Gate Avenue
San Francisco, California 94102
Telephone: (415) 436-6809
Facsimile: (415) 436-7234
E-Mail: wendy.thomas@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) Criminal No. CR 07-0589 PJH

Plaintiff,)

v.)

D'MARQUES ANTHONY LUCKETT,)

Defendant.)

**[PROPOSED] ORDER AND
STIPULATION EXCLUDING TIME
FROM NOVEMBER 28, 2007 TO
JANUARY 16, 2008**

The parties appeared before the Honorable Phyllis J. Hamilton on November 28, 2007.
With the agreement of counsel for both parties, the Court found and held as follows:

1. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from November 28, 2007 to January 16, 2008, in light of the need for the preparation of a pre-plea presentence criminal history report by the United States Probation Office and for continuity of counsel. Failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due

**[PROPOSED] ORDER AND
STIPULATION EXCLUDING TIME
CR 07-0589 PJH**

diligence and the need for continuity of counsel.

2. Given these circumstances, the Court found that the ends of justice served by excluding the period from November 28, 2007 to January 16, 2008 outweigh the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(8)(A).

3. Accordingly, and with the consent of the defendant, the Court ordered that the period from November 28, 2007 to January 16, 2008 be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: 11/30/07

/s/
STEVE KALAR
Counsel for D'Marques Anthony Luckett

DATED: 11/29/07

/s/
WENDY THOMAS
Special Assistant U.S. Attorney

IT IS SO ORDERED.

DATED: _____

THE HON. PHYLLIS J. HAMILTON
United States Magistrate Judge